

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DANIEL NORBERT HALTER,)
)
 Plaintiff,) Civil Action No. 7:21cv00595
)
)
 v.) MEMORANDUM OPINION
)
)
 OFFICER HANLON, *et al.*,) By: Hon. Thomas T. Cullen
) United States District Judge
)
 Defendants.)

Plaintiff Daniel Norbert Halter, a Virginia prisoner proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. But at least three of Halter’s previous actions have been dismissed for failure to state a claim upon which relief may be granted.¹ Therefore, Halter may not proceed with this action unless he either pays the filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Halter has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”² the court will dismiss his complaint without prejudice pursuant to § 1915(g).

¹ See, e.g., *Halter v. Northwestern Regional Adult Detention Center*, 7:11cv157 (W.D. Va. Apr. 4, 2011) (dismissed for failure to state a claim); *Halter v. Conover, et al.*, 7:11cv241 (W.D. Va. Jun. 28, 2011) (dismissed for failure to state a claim); and *Halter v. Hutcheson, et al.*, 7:20cv304 (W.D. Va. Aug. 17, 2020) (dismissed for failure to state a claim).

² In his complaint, Halter alleges that the defendants unlawfully arrested him and used excessive force against him in doing so. Nothing in his complaint suggests that Halter is under imminent danger of serious physical injury. *See Springer v. Day*, No. 7:16cv261, 2016 U.S. Dist. LEXIS 76270, at *3, 2016 WL 3248601, at *1 (W.D. Va. June 13, 2016) (quoting *Lewis v. Sullivan*, 279 F.3d 526, 531 (7th Cir. 2002)) (“Courts have held that the imminent danger exception to § 1915(g)’s ‘three strikes’ rule must be construed narrowly and applied only for ‘genuine emergencies,’ where ‘time is pressing’ and ‘a threat . . . is real and proximate’ to the alleged official misconduct.”)

The clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to Halter.

ENTERED this 2nd day of December, 2021.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE